REMARKS

Claims 1-37 are all the claims presently pending in the application. Claims 1, 4, 6, 8, 10, 13, 14, 19, 21, 23, 26-28, and 30-33, have been amended to more particularly define the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Office action sets forth objections to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5). More specifically, FIGS. 4 and 8 contain reference characters 420 and 840 not mentioned in the specification. The specification has been amended to add the reference characters in the description in compliance with 37 C.F.R. § 1.121(b). Since the basis for the objection has been addressed, withdrawal of the objection respectfully is requested.

The Office action sets forth an objection to the specification based on informality. More specifically, objection apparently is made to Applicants' use of the term "paper," as in "paper 'punch' cards," on page 40, line 13 of the specification. The objection is not well understood by Applicants. Nevertheless, in the interest of advancing prosecution, the term "paper" has been deleted.

Claim 33 stands rejected under 35 U.S.C. §112, first paragraph. Claims 1, 4, 8, 14, 17, 21, and 31-33 stand rejected under 35 U.S.C. §112, second paragraph. Claims 32 and 33 stand rejected under 35 U.S.C. §101. Claims 1-37[1] stand rejected under 35 U.S.C. § 102(a) as being anticipated by Funderburk et al. ("XTABLES: Bridging Relational Technology and XML"). These rejections respectfully are traversed in the following discussion.

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[1] The Office action at paragraph 13 on page 6 only lists rejected claims 1-26 and 31-35. Unlisted claims 27-30 and 36-37 are treated similarly to the listed claims, however, in the subsequent paragraphs of the Office action.

I.   THE CLAIMED INVENTION

The claimed invention is directed to developing actual resources without alteration into a collection of virtual resources customized to a particular audience. The invention includes constructing at least one virtual resource independent of an actual resource, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource, and extracting at least one descriptor from the at least one retrieved virtual resource.

Funderburk et al. discloses a system referred to as "XTABLES." XTABLES automatically maps the schema and data of an underlying relational database system to a low-level default XML view.

The claimed invention, on the other hand, constructs a virtual resource independent of an actual resource.

II.   THE 35 USC §112, FIRST PARAGRAPH REJECTION

Claim 33 stands rejected under 35 U.S.C. §112, first paragraph. The claim has been amended, above, to overcome this rejection. Specifically, the term "refactoring" has been replaced by the term --developing--. Applicants do not agree with and do not admit to, however, the statement in the Office action urging that the specification "does not detail how an ordinary person skilled in the art may refactor actual resources without alteration." On the contrary, Applicants respectfully submit that refactoring of actual resources without alteration and all features of the present invention are clearly described in such a way that would fully enable one of skill in the art.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III.   THE 35 USC §112, SECOND PARAGRAPH REJECTION

Claims 1, 4, 8, 14, 17, 21, and 31-33 stand rejected under 35 U.S.C. §112, second paragraph. The claims have been amended, above, to overcome this rejection. Specifically, the term "refactoring" has been replaced by the term --developing--. Applicants do not agree with the urgings in the Office action and do not admit, however, that the term "refactoring" is

a relative term that renders the claims indefinite. The claims are to be read in light of the specification. As noted above, Applicants' specification describes and enables the process of refactoring.

The terms "relationship carrying semantic" also is not a relative term, contrary to assertions in the Office action. A relationship carrying semantic is described as follows:

> Another exemplary feature of the present invention is to provide a method and system which provides a structured meta-data layer which contains semantic information (e.g., relationships with agreed upon semantics, such as "related-to", "contains", "is-conflicting-with", between entities) that can be leveraged by the consumer of the virtual resources (e.g., make new resource manipulation operations available to logic authoring tools or serve as an input to a conflict detection tool).

The Office action states that the term is taken by the Examiner to mean "an identifier or a unique ID." Equating the term "relationship carrying semantic" with an identifier improperly ignores the description in the specification and the plain meaning of the words in the claims.

The term "model flattening relationship with a semantic meaning of reachability" has been deleted from claims 8 and 21 in an attempt to expedite prosecution.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the §112, second paragraph rejections.

IV.   THE 35 U.S.C. § 101 REJECTIONS

Claim 32[2] stands rejected under 35 U.S.C. §101 based on alleged recitation of non-statutory subject matter. More specifically, the Office action asserts that a "signal-bearing medium" is not tangible and cannot tangibly embody a computer program. Applicants respectfully disagree with this and other related statements in paragraph 10 on page 5 of the Office action since the claim expressly describes the medium as tangibly embodying a program of machine readable instructions.

Nevertheless, claim 32 has been amended to replace "signal-bearing" with --computer-readable--. Applicants make this amendment to claim 32 in an effort to advance prosecution.

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[2] The Office action states on page 5, last line, that "claims 25-32 are non statutory under 35 U.S.C. §101." Applicant presumes that only claim 32 is rejected under §101 and that claims 25-31 were listed with claim 32 inadvertently.

By making the amendment, Applicants in no way are indicating or implying any agreement with the assertion in the Office action that "signal-bearing medium" is not "useful, concrete, and tangible" as required under 35 U.S.C. §101. It is further noted that computer-readable media are statutory subject matter under *In re Beauregard*. Whether this Examiner considers that media do not store "signals" is merely the Examiner's preference.

Claim 33 stands rejected under 35 U.S.C. § 101 allegedly based on the disclosed invention being inoperative and lacking utility. This rejection respectfully is traversed. Claim 33 has been amended. Further, summarizing relevant remarks above for the sake of brevity, Applicant respectfully disagrees that the specification does not detail how an ordinary person skilled in the art may refactor actual resources without alteration. It appears that this and other similar objections and rejections improperly are applying a definition to the term "refactor" other than that used and defined in Applicants specification. Withdrawal of the rejection of claim 33 under 35 U.S.C. § 101 respectfully is urged.

V.   THE PRIOR ART REJECTION

The Funderburk et al. Reference:

The Examiner alleges that Funderburk et al. teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Funderburk et al.

Funderburk et al. discloses XTABLES, a system that <u>automatically maps the schema and data of an underlying relational database system to a low-level default XML view</u>.

The claimed invention, on the other hand, <u>constructs a virtual resource independent of an actual resource</u>.

Funderburk et al. teaches how to transform relational data into XML data: "the ability to create XML views of existing relational data." See Funderburk et al., page 616. Funderburk et al. does not teach how to develop actual resources into virtual resources where an actual resource may be "data (e.g., databases, Java® object attributes, etc.) or functions (e.g., SQL queries, Java® object method calls, etc.)." See Applicant's specification, page 14, line 23. Nor is such translating obvious or easily contemplated given Funderburk et al. That

is, the provision in Funderburk et al. of an "ability to create XML" does not result in "virtual resources" as defined in Applicant's specification. Funderburk et al. describes a <u>uniform</u> transformation from one data format to another. The present application, by contrast, describes a structured, but not uniform, way to transform a set of resources (where as mentioned before resources are not restricted to data) and their relationships, into a set of virtual resources and virtual relationships. The transformation leading to one virtual resource is not necessarily the same as the transformation leading to another virtual resource.

In other words, Funderburk et al. only teaches data representation transformation (e.g., database to XML), while the present invention is drawn to facilities creating a new virtual object from one or more existing (and/or imagined) objects. See pages 36-37 of the application specification, where an actual resource object containing a method for setting age is transformed into a new virtual resource object. The new virtual resource object has a method for setting age that puts constraints on the valid values to which age can be set different from those in the actual resource. This can not be done or even imagined given Funderburk et al.

Therefore, Applicant submits that there are elements of the claimed invention not taught or suggest by Funderburk et al. The Examiner is respectfully requested to withdraw this rejection.

VI.   FORMAL MATTERS AND CONCLUSION

In response to Examiner's objections the specification and claims have been amended, or the objection has been traversed, in a manner believed fully responsive to all points raised by the Examiner.

In response to objections to the Drawings, Applicants amended the specification as noted above.

Applicants note that typographical errors introduced by the Patent Office appear in the Patent Application Publication 2005/0065937 A1. More specifically, errors are noted in paragraphs [0005] and [0026] of the printed publication, as follows:

Paragraph [0005], first line: The term "constuner" should read --consumer-- as in the

application as originally filed.

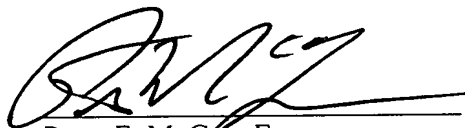   Paragraph [0026], next to last line: "as" should read --at--.

    In view of the foregoing, Applicant submits that claims 1-37, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

    Should the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a <u>telephonic or personal interview</u>.

    The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: *28 Jan 2016*

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